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2 **UNITED STATES DISTRICT COURT**
3 **EASTERN DISTRICT OF CALIFORNIA**
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5 METROPOLITAN LIFE INSURANCE
6 COMPANY, a New York corporation,

7 Plaintiff,

8 vs.

9 ACDF, LLC, a California limited liability
company, et al.,

10 Defendants.

Lead Case No. 1:24-cv-01261-KES-SAB

Consolidated with Case Nos:
1:24-cv-01226; 1:24-cv-01230; 1:24-cv-
01231; 1:24-cv-01232; 1:24-cv-01233; 1:24-
cv-01235; and 1:24-cv-01241

**ORDER GRANTING RECEIVER'S
MOTION FOR ENTRY OF ORDER
APPROVING SALE OF REAL
PROPERTY AND FOR RELATED
RELIEF**

(Doc. 123)

- 11
12 ☐ Affects All Cases
13 ☒ Affects Metropolitan Life Ins. Co. v.
ACDF, LLC, et al., 1:24-cv-01261
14 ☐ Affects Metropolitan Life Ins. Co. v.
FNF Farms, LLC, et al., 1:24-cv-01226
15 ☐ Affects Metropolitan Life Ins. Co. v. C
& A Farms, LLC, et al., 1:24-cv-01230
16 ☐ Affects Metropolitan Life Ins. Co. v.
Maricopa Orchards, LLC, et al., 1:24-
17 cv-01231
18 ☐ Affects Brighthouse Life Ins. Co. v.
Kamm South, LLC, et al., 1:24-cv-
19 01232
20 ☐ Affects Brighthouse Life Ins. Co. v.
Manning Avenue Pistachios, LLC, et
21 al., 1:24-cv-01233 Case No. 1:24-cv-
01233
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23 ☐ Affects Brighthouse Life Ins. Co. v.
ACDF, LLC, et al., 1:24-cv-01235
24 ☐ Affects MetLife Real Estate Lending,
25 LLC v. Panoche Pistachios, LLC, et
26 al., 1:24-cv-01241
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1 On April 21, 2025, the Court held a hearing on the *Motion for Entry of Order Approving*
2 *Sale of Real Property and for Related Relief* (ECF No. 123) (the “Motion”), filed by Phillip
3 Christensen, Receiver of the above-referenced estate (the “Receiver” or “Seller”).¹ Having read
4 and considered the Motion, the now-withdrawn opposition of intervenor U.S. Bank National
5 Association, Docs. 133, 134, the Purchase and Sale Agreement (“PSA”) and other evidence in
6 support of the Motion, Doc. 123, Ex. 2, Doc. 136; having heard the oral arguments of counsel at
7 the hearing; having called for higher and better bids at the Sale Hearing and there being no such
8 bids; and good cause appearing, the Court hereby ORDERS THAT the Motion is granted.

9 It is further ORDERED THAT:

- 10 1. The sale by the Receiver of the cherry farmland and improvements thereon with
11 respect to real property described in Exhibit A hereto (the “Subject Property”), to the Buyer,
12 E & C Farms, LLC, for the Purchase Price of \$6,000,000, is approved. The Deposit of \$300,000
13 shall be credited to the Purchase Price and the balance must be paid at closing.
- 14 2. The sale is free and clear of liens of Metropolitan Life Insurance Company.
- 15 3. Further, as to parties who received notice of the Motion, the sale is free and clear of
16 any liens in the growing crops on the Subject Property.
- 17 4. The closing must occur no later than 21 days after entry hereof and may occur
18 immediately after entry hereof.
- 19 5. The Bidding Procedures described in the Motion are approved.
- 20 6. The Receiver is authorized to pay real estate brokers’ commissions and other costs
21 in connection with the sale, as described in the Motion.
- 22 7. The Court finds that the sale satisfies 28 U.S.C. §§ 2001 and 2002.
- 23 8. The notice of the Motion is adequate and proper.
- 24 9. The sale is “AS-IS” and “WHERE-IS” “WITH ALL FAULTS” and “WITHOUT
25 REPRESENTATIONS OR WARRANTIES” except to the extent expressly and unambiguously
26 stated in the PSA.

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¹ Unless otherwise indicated, defined terms are the same as in the Motion.

1 10. The Buyer's only remedy if the sale is not consummated through no fault of Buyer
2 is a return of the Deposit. If the sale is not consummated due to an act or omission by Buyer, then
3 Buyer shall forfeit the Deposit.

4 11. The Receiver is authorized to execute documents and take such other and further
5 action as is necessary to close the sale.

6 12. This Court shall retain exclusive jurisdiction over the subject matter hereof.
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9 IT IS SO ORDERED.

10 Dated: April 23, 2025



UNITED STATES DISTRICT JUDGE

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 220-130-17, 220-130-24, 220-130-05, 220-130-30 and 220-130-35

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA IN COUNTY OF KERN, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL 1: APN 220-130-30

THE SOUTH HALF OF THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 32 SOUTH, RANGE 25 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE UNINCORPORATED AREA OF THE COUNTY OF KERN, STATE OF CALIFORNIA, AS PER THE OFFICIAL PLAT THEREOF.

PARCEL 2: APN 220-130-05

THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 32 SOUTH, RANGE 25 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE UNINCORPORATED AREA OF THE COUNTY OF KERN, STATE OF CALIFORNIA, AS PER THE OFFICIAL PLAT THEREOF.

EXCEPTING THEREFROM AN UNDIVIDED 10% INTEREST OF ALL OIL, GAS, OTHER HYDROCARBON SUBSTANCES AND MINERALS WITHIN OR UNDERLYING SAID LAND AS BY B.P. OIL CORPORATION, A CORPORATION BY DEED RECORDED NOVEMBER 21, 1973, IN BOOK 4813, PAGE 1567, AS DOCUMENT NO. 36460 OF OFFICIAL RECORDS.

PARCEL 3: APN 220-130-24

THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 32 SOUTH, RANGE 25 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE UNINCORPORATED AREA OF THE COUNTY OF KERN, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND APPROVED BY THE SURVEYOR GENERAL ON JUNE 1, 1855.

EXCEPTING THEREFROM AN UNDIVIDED 1/4 INTEREST OF ALL OIL, GAS AND MINERAL RIGHTS AS RESERVED IN DEED FROM PAULINE F. CRANE ADMINISTRATIX OF THE ESTATE OF ABIGAIL BRIGGS FOWLER, DECEASED, RECORDED JULY 3, 1952, IN BOOK 1959, PAGE 228, AS DOCUMENT NO. 30914 OF OFFICIAL RECORDS.

PARCEL 4: APN 220-130-17

THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 32 SOUTH, RANGE 25 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE UNINCORPORATED AREA OF THE COUNTY OF KERN, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF SAID LAND APPROVED BY THE SURVEYOR GENERAL ON JUNE 1, 1855.

PARCEL 5: APN 220-130-35

THE EAST HALF OF THE SOUTH HALF OF SECTION 26, TOWNSHIP 32 SOUTH, RANGE 25 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE UNINCORPORATED AREA OF THE COUNTY OF KERN, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPTING THEREFROM ALL OIL, GAS, OTHER HYDROCARBONS SUBSTANCES AND MINERALS OF ANY KIND OR CHARACTER, IN, ON OR THEREUNDER, AS RESERVED IN PREVIOUS DEEDS OF RECORD.